

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KIMON WHEELER;)	
DEMETRIUS HARRIS; and)	
CHRISTOPHER HARRIS;)	
)	No. 07 C 6880
Plaintiffs,)	
)	
vs.)	
)	
CITY OF CHICAGO; Chicago)	
Police Officers)	
ALEJANDRO VARGAS, Star 14981;)	
ALFRED ROBINSON, Star 7060;)	Judge Coar
KEVIN SMITH, Star 14648;)	
PETERSON POHL, Star 6582;)	Judge Magistrate Valdez
JOSE ESTRADA, Star 11109;)	
LAWRENCE AIKIN, Star 4088;)	
RICHARD ALGHINI, Star 14603;)	
DAVE OSBORN, Star 18800; and)	
ROBERT ECONOMOS, Star 15375;)	Jury Demand
)	
Defendants.)	

**DEFENDANTS' JOINT MOTION FOR ENTRY OF
PROTECTIVE ORDER**

Defendants, Chicago Police Officers Alejandro Vargas, Alfred Robinson, Kevin Smith, Peterson Pohl, Jose Estrada, Lawrence Aiken, Richard Alghini, Dave Osborn and Robert Economos, (Individual Defendants), by their attorneys, Suyon Reed, Assistant Corporation Counsel of the City of Chicago, and Mary McDonald, Assistant Corporation Counsel, and City of Chicago, (collectively referred to as Defendants), by its attorney, MARA S. Georges, respectfully move this Honorable Court, pursuant to Fed.R.Civ.P. 26(c) and 45 C.F.R. 160 and

164, for entry of the attached Agreed, Qualified HIPAA and Confidential Matter Protective Order.

In support thereof, Defendants state as follows:

1. The parties anticipate that documents pertaining to the parties and non-parties may be sought and produced in this matter. The parties also anticipate production in this litigation of personnel file-related information such as disciplinary history, Complaint Registers, and medical information covered by the Health Insurance Portability and Accountability Act. Complaint Registers contain personnel record information regarding police officers and other Chicago Police Department personnel (including third-parties), including but not limited to personal identifiers of officers and their families, disciplinary histories, medical information, reports and other actions, as well as other information of unrelated civilian parties and witnesses that is sensitive or of a non-public nature related to discipline, confidential statements, medical information, and personal identifiers.

2. Medical information is protected by the Health Insurance Portability and Accountability Act of 1996, codified primarily at 18, 26 and 42 U.S.C. (2002). The Privacy Standards for such information is found at 45 C.F.R. 160 and 164 (2000).

3. Personnel files, disciplinary histories and related information are protected by the Illinois Personnel Records Review Act, 820 ILCS 40/0.01 (West 2004) and the Illinois Freedom of Information Act, 5 ILCS 140/7 (West 2004).

4. The parties proposed Agreed, Qualified HIPAA and Confidential Matter Protective Order prohibits use of personnel files and other personnel and disciplinary

information, medical information covered by the Health Insurance Portability and Accountability Act, and Complaint Register files for any purpose other than litigation of this case, prohibits their dissemination to parties outside this litigation, and requires their return to the producing party at the end of this litigation. Such an order would ensure the protection of such information, consistent with the principles of federal and Illinois law. This order will also protect against improper dissemination of confidential information and unfairness in the trial process.

5. The respective parties do not object to the disclosure of relevant production to other respective parties in accordance with the Federal Rules of Civil Procedure. The parties understand that either a party or an interested member of the public may challenge the confidential designation and have made representations about such challenges in Letter B #3 of its Protective Order.

6. The Individual Defendants forwarded a copy of an proposed protective order to Plaintiffs' counsel for approval on February 6, 2008, and Plaintiffs counsel agreed shortly thereafter and permitted defendants counsel to add their electronic signature.

WHEREFORE, Defendants respectfully request that this Court enter the attached Agreed, Qualified HIPAA and Confidential Matter Protective Order in this matter.

Respectfully submitted,

/s/ Suyon Reed
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